

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and the following remarks is respectfully requested.

A. Status of Claims

Claims 1, 2 and 8-24 are pending. Claims 1, 13 and 17 are amended.

Claim 1 is amended to recite, *inter alia*, “wherein the bridges or the backs comprise an area that is parallel to a plane comprising the tops of the studs and parallel to a plane comprising the surface of the studded plate, and is within a plane that is between the plane comprising the tops of the stud and the plane comprising the surface of the studded plate, wherein the volume below the bridges or the backs of the studded plate is vacant.” Claims 13 and 17 are similarly amended. Support for these amendments is found throughout the application as originally filed including, for example, on page 6 and FIG. 3. No new matter is added, and entry of the amendments is requested.

B. Specification

The specification was objected to as allegedly failing to provide the proper antecedent basis for the claimed subject matter in claims 1, 13 and 17, namely, “the area below the bridges or the backs of the studded plate is vacant.” (Office Action, p. 2). The specification is amended, in connection with the description of FIG. 3, as set forth above. Because support for this amendment is supported by FIG. 3, no new matter is added by this amendment, entry of the amendment is requested, and the objection is respectfully requested to be withdrawn.

C. Rejections Under 35 U.S.C. § 112

Claims 1, 2, and 8-24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the

invention. Claim 1 is amended to indicate that, *inter alia*, “the volume below the bridges or the backs of the studded plate is vacant.” Applicants submit that this amendment clearly claims the subject matter which Applicants regard as the invention, satisfying § 112, second paragraph.

Accordingly, the objection is respectfully requested to be withdrawn.

D. Rejections Under 35 U.S.C. § 103

The Office Action rejected claims 1, 2, 8, and 10-24 under § 103 as being unpatentable over U.S. Patent No. 3,767,154 to Shoe (“Shoe”) in view of U.S. Patent No. 3,802,790 to Blackburn (“Blackburn”). Claim 9 was rejected under § 103 as being unpatentable over Blackburn in view of Shoe and in further view of U.S. Patent Application Publication No. 2002/009566 by Schertzberg et al. Applicants respectfully traverse the rejections.

Amended claim 1 recites:

“1. A method of denticulation of a concrete joint between a first and a second cast section,

assembling a form at the location of the concrete joint by attaching a formwork,

casting a first cast section into the formwork,

removing the formwork prior to casting a second cast section,

casting the second cast section,

wherein the formwork for the first cast section comprises a studded plate,

wherein the studded plate has studs where the stud side wall inclination angle is greater than 60° with respect to the surface of the studded plate,

wherein the studded plate has bridges or backs between the studs,

wherein the bridges or the backs comprise an area that is parallel to a plane comprising the tops of the studs and parallel to a plane comprising the surface of the studded plate, ~~but is not within either of these planes~~ and is within a plane that is between the

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plane comprising the tops of the stud and the plane comprising the surface of the studded plate,

wherein the surface of the studded plate is vacant volume below the bridges or the backs of the studded plate is vacant,

wherein the studded plate has studs that are square, polygonal or round,

wherein the studded plate has studs positioned in relation to each other in a pattern.”

Applicants respectfully direct the Examiner’s attention to the portion of Claim 1 amended to recite “wherein the bridges or the backs comprise an area that is parallel to a plane comprising the tops of the studs and parallel to a plane comprising the surface of the studded plate, and is within a plane that is between the plane comprising the tops of the stud and the plane comprising the surface of the studded plate.” Accordingly, rather than interpreting the plane with the bridges and back to be “not between” the two other recited plans, as reflected in the Office Action, (Office Action, p. 4), amended claim 1 recites that the “bridges and backs comprise an area . . . within a plane that is between the plane comprising the tops of the stud and the plane comprising the surface of the studded plate.”

In response to Applicants’ previous arguments, the Office Action asserts that “[t]he figure [8] shows phantom lines on the left-hand side which appear to point to the plate’s flat surface which is beneath bridges 140.” (Office Action, p. 10). Applicant respectfully disagrees. First, Blackburn’s specification identifies component 9 as the “base sheet” of the former. (Blackburn, col. 3:27-28). Second, Blackburn identifies that base sheet 9 of has “upper and lower surfaces 9a and 9b.” (Blackburn, col. 3:28-30). Third, FIG. 4 identifies base sheet 9, and it clearly identifies the upper surface, 9a, and the lower surface, 9b, as the lines enclosing the area with the diagonal marks. Those same lines enclosing an area with diagonal marks is depicted in FIG. 8. Accordingly, the bottom surface of base sheet 9, according to Blackburn’s

specification, is the bottom line of the area enclosing the diagonal marks—*not* the phantom lines below them. Indeed, nothing in Blackburn’s specification indicates that the “phantom lines” are the underside of the base sheet. For this reason, the tops of the channels **140** and **130** disclosed in Blackburn are *below* the underside of base sheet **9**. In fact, Blackburn expressly discloses this—the “channels” **130** and **140** are disposed “[o]n the *underside* of the base sheet **9** and remote from the peaks **12**.” (Blackburn, col. 6:42-43, emphasis added). Therefore, the top of the channels **130** and **140** are *below* the lower surface of base sheet **9**—they are underneath the surface of the former. Thus, they fail to satisfy the claim’s recitations, because Blackburn fails to disclose, teach or suggest that the channels are “within a plane that is between the plane comprising the tops of the stud and the plane comprising the surface of the studded plate,” as recited in Applicant’s amended claim 1. As disclosed in the specification, this distinction is beneficial because it “provide[s] favourable denticulation that should be able to secure good tensile strength and shear transfer.” (*See generally*, Specification, pp. 11-12).

The Office Action also asserts that “figure 9 shows an embodiment where both the backs 130 and the bridges 140 have a vertex that constitutes an area that is parallel to and separate from a plane comprising the tops of the studs and a plane comprising the surface of the studded plate.” (Office Action, p. 10). Applicants assert that, as explained above, FIG. 9 depicts the tops of the channels **130** and **140** as being below the underside of the base sheet **9**. Indeed, Blackburn discloses that FIG. 8 and FIG. 9 are different views of the same embodiment. (Blackburn, col. 6:23-25).

During the telephone interview with the Examiner on October 29, 2010, the Examiner indicated that it appears from FIG. 9 that because components **130** and **140** are visible suggests that their tops are above component **9** and helpfully suggested that Applicants address

this concern. Applicants respectfully disagree. First, nothing within the specification supports this interpretation. Second, that aspect—whether the tops of components **130** and **140** are above or below component **9**—is illustrated with more detail and intricacy in FIG. 8, not within FIG. 9, and therefore, FIG. 8, and its accompanying disclosure (detailed in the preceding paragraph), is more authoritative with respect to this aspect. For this reason, to the extent there is an inconsistency between FIG. 8 and FIG. 9 with respect to this aspect, (which Applicants neither admit nor deny within response,) it is Blackburn's error, and it should be resolved in favour of FIG. 8, as discussed above. Accordingly, Blackburn fails to disclose, teach or suggest that the channels are "within a plane that is between the plane comprising the tops of the stud and the plane comprising the surface of the studded plate," as recited in Applicant's amended claim 1.

Therefore, Blackburn fails to teach the elements of Applicants' amended claim 1, that are missing from the primary (Shoe) reference. Accordingly, claim 1 is respectfully submitted to be patentable. For at least these and similar reasons, claims 2 and 8-24 are also respectfully submitted to be patentable over the cited references in combination with Blackburn. The application is therefore respectfully submitted to be in condition for allowance.

Applicants have chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Additionally, Applicants have not specifically addressed the rejections of the dependent claims. Applicants respectfully submit that the independent claim, from which they depend, is in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicants, however, reserve the right to address rejections of the dependent claims in the future as appropriate.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 504827, Order No. 1004475.001US.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No 504827, Order No. 1004475.001US.

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Respectfully submitted,
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